IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.444/2007.

Shri Krishna M. Naik,
89 years of age married,
r/o Wadi, Candolim, Bardez,
Goa. ..... Petitioner.

Versus

1) The Goa Coastal Zone
Management Authority, through
its Member Secretary having
its office at Saligao, Bardez-Goa.

2) The Additional Collector, North
Goa, Office of the Collector, North
Goa District, Revenue Branch,
Panaji, Goa.

3) The Dy. Collector of Bardez-II
for Bardez Taluka, Mapusa,Goa.

4) The Mamlatdar, Office of the
Mamlatdar, Mapusa,Goa.

5) State of Goa through its Chief
Secretary, Secretariat, Panaji, Goa.

6) Union of India. ..... Respondents.

Mr. D. Pangam, Advocate for the petitioner.
Mr. S. R. Rivonkar, Government Advocate for the respondents.

Coram :- **R. S. MOHITE, J.**

Date : - 19th October, 2007.

ORAL JUDGMENT :

Heard both sides. Rule. By consent, rule is made

returnable forthwith.

This writ petition impugn an order dated 27.7.2007 passed by the Goa Costal Zone Management Authority by which the authority by virtue of powers delegated U/s.5 of Environment (Protection) Act, 1986, has directed the petitioner to demolish his structure within one month from the date of passing of the order failing which the authorities will direct to appropriate authoritiy to demolish the structure without further notice.

It appears that in the impugned order, reliance was placed upon the report of the Dy. Collector, Mhapusa which was the basis of the show cause notice under the Environment (Protection) Act. This report was never furnished to the parties along with the show cause notice at any stage before passing the impugned order dated 27.7.2007. The Advocate appearing for the petitioner states that this is the only document was relied upon, which has not been furnished to him and that he ought to have been furnished a copy of said document. It formed the foundation of the entire action by the GCZMA against him. Mr. S. R. Rivonkar,appearing for GCZMA fairly contended that said document had not been given. Mr. Pangam admits that a copy of the document is now furnished to them by way of annexure to reply filed in this petition.

He states that it will thus not be necessary to furnish the document afresh if he is allowed to have his say, after the matter is remanded and is reheard. In the circumstances, the impugned order dated 27.7.2007 passed by the GCZMA is quashed and set aside. The matter is remanded to GCZMA for fresh decision in accordance with law. The petitioner will be entitled to file his additional say/reply, restricted only to the contents of report of the Dy. Collector, Mhapusa.

He will be entitled to file a written submission in this regard if he so desires as regards the same. It is expected that written submission of the petitioner will be filed within a period of 2 weeks from today and GCZMA will re-decide the matter after taking into account the additional reply within a period of 6 weeks from today.

Rule is made absolute in the aforesaid terms. Petition is disposed off.

R. S. MOHITE, J.

SMA